

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF ILLINOIS  
3 EAST ST. LOUIS DIVISION  
4 CASE NO. 3:15-cv-1253-NJR-DGW

5 RYAN RUDELL

PLAINTIFF

6 v.

7 MARATHON PETROLEUM CO., LP,  
8 MARINE TRANSPORTATION

DEFENDANT

9  
10  
11  
12 VIDEOCONFERENCE DEPOSITION OF  
13 ANTHONY "BLAKE" GINN  
14

15  
16  
17 Ashland, Kentucky  
18 July 13, 2016  
19

20  
21 Lisa Larson, FCRR, RPR  
22 Federal Certified Realtime Reporter  
23  
24

Page 2

1

Pursuant to Notice, the videoconference

2

deposition of ANTHONY "BLAKE" GINN was taken on

3

behalf of the Plaintiff before Lisa Larson, FCRR,

4

RPR, and Notary Public in and for the Commonwealth of

5

Kentucky at Large, at Holiday Inn Express & Suites,

6

Meeting Room, 13131 Slone Court, Ashland, Kentucky,

7

on July 13, 2016, commencing at the hour of

8

12:43 p.m.

9

The deposition was taken for all purposes

10

permitted under the Illinois Rules of Civil

11

Procedure, including use as evidence at the trial of

12

this matter.

13

14

15

16

17

18

19

20

21

22

23

24

INDEX

Page 4

1

WITNESS: ANTHONY "BLAKE" GINN

2

EXAMINATION BY:

3

Mr. O'Bryan

4

Mr. Raymond Massey

5

Mr. O'Bryan

6

Mr. O'Bryan

7

REPORTER'S CERTIFICATE

8

ERRATA SHEET

9

EXHIBITS

10

NO. DESCRIPTION

11

Exhibit 3 Various documentation 23

12

related to incident

13

(The original exhibit was attached to the original

14

transcript and a copy was provided to counsel)

15

16

17

18

19

20

21

22

23

24

Page 3

1

A P P E A R A N C E S

2

COUNSEL FOR THE PLAINTIFF:

3

(By videoconference)

4

Dennis M. O'Bryan, Esq.

5

O'Bryan, Baun, Karamanian

6

401 South Old Woodward, Suite 463

7

Birmingham, Michigan 48009

8

dob@obryanlaw.net

9

COUNSEL FOR THE DEFENDANT:

10

Raymond L. Massey, Esq.

11

Daniel L. Massey, Esq.

12

THE MASSEY LAW FIRM, LLC

13

Two CityPlace Drive, Suite 200

14

Saint Louis, Missouri 63141

15

ray@themasseylawfirm.com

16

ALSO PRESENT:

17

Tara M. Griffith, Esq.

18

Marathon Petroleum Company, LP

19

Adrian J. Pringle, Human Resources Consultant

20

Marathon Petroleum Company, LP

21

22

23

24

ANTHONY "BLAKE" GINN,

Page 5

1

the witness herein, having first been duly placed

2

under oath, was examined and testified as follows:

3

EXAMINATION

4

BY MR. O'BRYAN:

5

**Q Could you please state your name, please.**

6

**A Anthony Blake Ginn.**

7

**Q You are a deckhand for Marathon?**

8

**A Yes.**

9

**Q And in August of --**

10

**A No, not now I am not a deckhand. I'm a striker**

11

**one now.**

12

**Q Oh, okay. What were you in August of 2014?**

13

**A A trainee, a deckhand III.**

14

**Q All right. Now, have you reviewed any documents**

15

**to refresh your recollection of this situation**

16

**involving Ryan Ruddell?**

17

**A Yeah. The -- the -- the interview or whatever**

18

**that I wrote down stuff from the incident that**

19

**day.**

20

**Q Okay. Is that the Marathon employee witness**

21

**statement?**

22

**A Yes.**

23

**Q And it says there that -- something about Ryan**


24

<p style="text-align: right;">Page 6</p> <p>1 bend at the back; do you see that or do you recall</p> <p>2 that?</p> <p>3 A Yes.</p> <p>4 Q Tell me about what you saw.</p> <p>5 A I seen him bend at the back to pick up the wire.</p> <p>6 I turned to look at the winch to make sure the dog</p> <p>7 was out of it. And I looked back and he had</p> <p>8 already had the wire up then and was handing it</p> <p>9 out to Dane over on the fleet.</p> <p>10 Q What were the weather conditions at that time?</p> <p>11 A Raining.</p> <p>12 Q Was it very heavy rain?</p> <p>13 A It was pretty moderate. You could still see</p> <p>14 300 feet or so.</p> <p>15 Q But when you described it to the HES professional,</p> <p>16 you said it was very heavy rain, didn't you? Look</p> <p>17 at, I'm referencing, number 724.</p> <p>18 A 724.</p> <p>19 MR. RAYMOND MASSEY: Hang on a</p> <p>20 minute. Okay. I'm handing Mr. Ginn Bates</p> <p>21 number 724.</p> <p>22 Q Look at the paragraph number two, the third line</p> <p>23 down.</p> <p>24 (Witness reviews document)</p>	<p style="text-align: right;">Page 8</p> <p>1 A Yeah, it was -- I mean, it was -- we knew it was</p> <p>2 going to rain.</p> <p>3 Q No, I am not asking -- I'm asking what the Captain</p> <p>4 said to you.</p> <p>5 A I don't remember exactly what was said.</p> <p>6 Q All right. Had Mr. Ruddell ever mentioned any</p> <p>7 back pain or discomfort prior to August 2014?</p> <p>8 A No.</p> <p>9 Q Now, as I understand it, you helped Ryan carry his</p> <p>10 bags when he got off the boat the next day?</p> <p>11 A Yes.</p> <p>12 Q And Dane helped also?</p> <p>13 A Yes.</p> <p>14 Q All right. I mean, do you know one way or the</p> <p>15 other whether it was thunderstorming?</p> <p>16 A It was just heavy rain.</p> <p>17 Q What does "thunderstorm" mean to you?</p> <p>18 A Thunderstorm means lightening to me and thunder.</p> <p>19 Q All right. Was this your first time to this</p> <p>20 fleet?</p> <p>21 A Yes.</p> <p>22 Q Now, you kept your own personal log?</p> <p>23 A Yeah. I -- just kind of notes, you know, kept of</p> <p>24 -- so I keep track of the days.</p>
<p style="text-align: right;">Page 7</p> <p>1 A Yeah, I read it.</p> <p>2 Q Do you see where it says "very heavy rain"?</p> <p>3 A Yeah. I mean, it was moderate to pretty heavy</p> <p>4 rain. You could still see about 300 feet, you</p> <p>5 know, about a barge length.</p> <p>6 Q That's how you described it to him, is "very heavy</p> <p>7 rain"?</p> <p>8 A Yeah.</p> <p>9 Q With limited visibility?</p> <p>10 A Yeah. Three hundred feet of visibility.</p> <p>11 Q Now, at the beginning of the shift when you met in</p> <p>12 the pilot house, did the Captain tell you</p> <p>13 "You guys have got to hurry. There is some bad</p> <p>14 weather coming"?</p> <p>15 A No.</p> <p>16 Q What did he say?</p> <p>17 A I don't remember him saying anything about hurry.</p> <p>18 They never -- I've never heard a Captain or</p> <p>19 anybody say "hurry" at Marathon.</p> <p>20 Q Well, what did you hear?</p> <p>21 A We went up for a shift starter, went over</p> <p>22 fleeting. Then we stretched and -- and then went</p> <p>23 -- went back down to the deck locker.</p> <p>24 Q But nothing was said about the weather?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q When did you fill -- I mean, do you usually fill</p> <p>2 it out at the end?</p> <p>3 A Yeah, most of the time at the end of the day.</p> <p>4 Q And you've got for August 7th there, have you</p> <p>5 looked at that log or anything?</p> <p>6 A It's been a little while since I've seen it.</p> <p>7 Q Can you put 716 in front of the witness, please.</p> <p>8 MR. RAYMOND MASSEY: Yes, it's in</p> <p>9 front of him.</p> <p>10 A I've got it.</p> <p>11 Q For August twenty --</p> <p>12 MR. RAYMOND MASSEY: You cut out</p> <p>13 there, Dennis.</p> <p>14 A It was August what?</p> <p>15 Q The 27th.</p> <p>16 A The 27th?</p> <p>17 Q Yeah.</p> <p>18 A What about it?</p> <p>19 Q You wrote down "Ryan hurt his back at the steering</p> <p>20 coupling," correct?</p> <p>21 A Right.</p> <p>22 Q All right. When did he tell -- when did you learn</p> <p>23 that.</p> <p>24 A The next morning, I believe it was, or that next</p>

<p style="text-align: right;">Page 10</p> <p>1 watch, that next day on the 28th when we smelled</p> <p>2 that Bengay on him or whatever and went up and did</p> <p>3 the acci -- the incident reports. I think that</p> <p>4 was that first document you talked about on there</p> <p>5 that I got. Then I went back and wrote it down so</p> <p>6 I would remember what day he hurt his self on.</p> <p>7 Q But you wrote about some stuff on the 28th also</p> <p>8 about it, right?</p> <p>9 A Right. That's when I filled out the accident</p> <p>10 report.</p> <p>11 Q Were there any wind gusts going on at around this</p> <p>12 time when you saw him bend down?</p> <p>13 A No.</p> <p>14 MR. O'BRYAN: All right. That's</p> <p>15 all I have.</p> <p>16 EXAMINATION</p> <p>17 BY MR. RAYMOND MASSEY:</p> <p>18 Q Mr. Ginn, I have a couple of questions.</p> <p>19 In connection with the last thing that was</p> <p>20 mentioned, the calendar that you kept --</p> <p>21 A Right.</p> <p>22 Q -- that's not something required by the company,</p> <p>23 that's just --</p> <p>24 A No.</p>	<p style="text-align: right;">Page 12</p> <p>1 A Yeah.</p> <p>2 Q And that was at the end of the --</p> <p>3 A At the end of the --</p> <p>4 Q -- function?</p> <p>5 A Yes.</p> <p>6 Q How long were you all out there doing the function</p> <p>7 of tying up the fleet at Lewis and Clark?</p> <p>8 A Thirty minutes.</p> <p>9 Q And did the rain stop kind of midway into that</p> <p>10 operation?</p> <p>11 A Yes.</p> <p>12 Q So the heavy rain was kind of at the end?</p> <p>13 A At the end, yeah.</p> <p>14 Q Did Ruddell handle any wires other than the one</p> <p>15 wire that he handed to the mate?</p> <p>16 A That's the only one I saw him handle.</p> <p>17 Q All right. When you say that he bent from the</p> <p>18 waist, what do you mean by that?</p> <p>19 A Without bending your knees, just bent straight</p> <p>20 over to -- to grab it.</p> <p>21 Q And why did that seem unusual or odd to you?</p> <p>22 A Because you always bend with your knees when you</p> <p>23 are lifting something.</p> <p>24 Q Is it a violation of the company's policy to bend</p>
<p style="text-align: right;">Page 11</p> <p>1 Q -- something that you kept on your own?</p> <p>2 A Right.</p> <p>3 Q At the time of the incident, you were what they</p> <p>4 call a red hat deckhand, is that true?</p> <p>5 A Yes.</p> <p>6 Q This was your first full-time trip on the line</p> <p>7 boat?</p> <p>8 A Right.</p> <p>9 Q All right. At any time when you and your crew</p> <p>10 were out on the deck, was there any lightening?</p> <p>11 A No.</p> <p>12 Q If you had seen lightening, did you have the</p> <p>13 discretion to immediately stop and come inside?</p> <p>14 A Yeah.</p> <p>15 Q Do all crew members have that option?</p> <p>16 A Everybody does, yes.</p> <p>17 Q You said the rain was moderate. And I heard</p> <p>18 severe or more than moderate. I think heavy is</p> <p>19 another term I heard.</p> <p>20 Would you be able to give us your estimate</p> <p>21 about how many -- how much per hour? Would an</p> <p>22 inch an hour, would that be...</p> <p>23 A I would say that's a good estimate.</p> <p>24 Q And it was a pretty heavy rain, though?</p>	<p style="text-align: right;">Page 13</p> <p>1 like Mr. Ruddell did?</p> <p>2 A Yes.</p> <p>3 Q And that's because he is supposed to bend at his</p> <p>4 knees?</p> <p>5 A At his knees.</p> <p>6 Q Why do you bend at your knees instead of bend at</p> <p>7 the waist?</p> <p>8 A So you don't hurt your back.</p> <p>9 Q I think you were asked about the wind that day.</p> <p>10 But did you observe any wind conditions that were</p> <p>11 -- that would affect your job performance at all?</p> <p>12 A No.</p> <p>13 Q What would you judge the winds to be? Little wind</p> <p>14 or no wind?</p> <p>15 A Very, very light, if any. The rain was just</p> <p>16 coming straight down.</p> <p>17 Q All the times that you referred to, if you</p> <p>18 referred to times, was that Eastern Time?</p> <p>19 A Yes.</p> <p>20 Q And you were asked about hurrying. On that day or</p> <p>21 that watch or anytime, were you all hurried in</p> <p>22 your job at all?</p> <p>23 A I've never been hurried at Marathon.</p> <p>24 Q Was Mr. Ruddell hurried at all?</p>

<p style="text-align: right;">Page 14</p> <p>1 A No.</p> <p>2 Q Did you all have communication devices on each of</p> <p>3 you?</p> <p>4 A Yeah. Everybody has a radio.</p> <p>5 Q And when you say "radio," do you mean a radio</p> <p>6 that's fed with a microphone --</p> <p>7 A Yes.</p> <p>8 Q -- on your life jacket?</p> <p>9 A Yeah.</p> <p>10 Q Did Mr. Ruddell have one of those --</p> <p>11 A Yes.</p> <p>12 Q -- as well?</p> <p>13 A (Moved head up and down).</p> <p>14 Q And you communicated with whom with that radio?</p> <p>15 A The Captain.</p> <p>16 Q And each other?</p> <p>17 A And each other, yeah.</p> <p>18 Q At anytime did Mr. Ruddell complain about anything</p> <p>19 being wrong with the wire?</p> <p>20 A No.</p> <p>21 Q Was there anything wrong with the wire that</p> <p>22 Mr. Ruddell handed to the mate?</p> <p>23 A No.</p> <p>24 Q You had worked with that wire?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q -- barge?</p> <p>2 A (Moved head up and down).</p> <p>3 Q The fitting where Mr. Ruddell would have handed</p> <p>4 the wire to Dane, how far approximately was that</p> <p>5 from the wheelhouse?</p> <p>6 A Three hundred feet.</p> <p>7 Q So it was at least one barge length?</p> <p>8 A Yeah.</p> <p>9 Q And then there is a coupling there between the</p> <p>10 first set of barges, the first tier of barges, and</p> <p>11 the second tier of barges, is that true?</p> <p>12 A What, now? Re -- ask it one more time.</p> <p>13 Q Where you all were working, at the head of the</p> <p>14 first barge --</p> <p>15 A Yes.</p> <p>16 Q -- and the stern of the second barge --</p> <p>17 A Right. Yes.</p> <p>18 Q -- in that area called a coupling?</p> <p>19 A Yes.</p> <p>20 Q Are you aware of whether or not at the wheelhouse,</p> <p>21 given the configuration of the barges, whether the</p> <p>22 wheelhouse would have been able to see that</p> <p>23 coupling in where people were working?</p> <p>24 MR. O'BRYAN: I'm going to object</p>
<p style="text-align: right;">Page 15</p> <p>1 A Yes.</p> <p>2 Q Before this day?</p> <p>3 A Yes.</p> <p>4 Q And days after this day?</p> <p>5 A Yes.</p> <p>6 Q Was there anything wrong with the wire at all?</p> <p>7 A No. We would have changed it if there was.</p> <p>8 Q Before Mr. Ruddell handed the eye of the wire to</p> <p>9 the mate, were you the one that had loosened the</p> <p>10 winch?</p> <p>11 A Yes.</p> <p>12 Q And you did that how?</p> <p>13 A Put the brake on, flipped the dog out, released</p> <p>14 the brake.</p> <p>15 Q This wire had previously been laid already?</p> <p>16 A Yes.</p> <p>17 Q So how much wire had to be taken off in order to</p> <p>18 re-lay it now, making up to the Lewis and Clark</p> <p>19 barge?</p> <p>20 A Very, very little.</p> <p>21 Q So after taking the dog off, the wire was loosened</p> <p>22 a little bit, and then it was made up to the Lewis</p> <p>23 and Clark --</p> <p>24 A Yeah.</p>	<p style="text-align: right;">Page 17</p> <p>1 as to foundation.</p> <p>2 MR. RAYMOND MASSEY: Okay. I'll</p> <p>3 withdraw that question.</p> <p>4 BY MR. RAYMOND MASSEY:</p> <p>5 Q At anytime after this did it look to you like</p> <p>6 Mr. Ruddell was hurt?</p> <p>7 A No.</p> <p>8 Q Did you assist with carrying his luggage part way,</p> <p>9 at least, up the ramp?</p> <p>10 A Yes.</p> <p>11 Q Had Mr. Ruddell carried it out to that point</p> <p>12 before you all helped him out?</p> <p>13 A I don't remember.</p> <p>14 Q Okay. Handling the luggage that Mr. Ruddell was</p> <p>15 handling, did he look like he was hurt?</p> <p>16 A No.</p> <p>17 Q Did he move about as though he had a back injury?</p> <p>18 A No.</p> <p>19 Q Did you participate in reporting the incident to</p> <p>20 the Captain with Dane or not?</p> <p>21 A Dane went up and talked to the Captain and then I</p> <p>22 went up afterwards.</p> <p>23 Q Okay. At anytime did Mr. Ruddell say anything in</p> <p>24 your presence or complain to you or talk to you or</p>

<p style="text-align: right;">Page 18</p> <p>1 did you hear from Mr. Ruddell any complaints that</p> <p>2 he had about the condition of the wire at all?</p> <p>3 A No.</p> <p>4 Q Or lightening?</p> <p>5 A No.</p> <p>6 Q Or working in adverse weather conditions at all?</p> <p>7 A No.</p> <p>8 Q And did he ever say anything about any of those</p> <p>9 things over the radio?</p> <p>10 A No.</p> <p>11 Q So he never communicated any of that to anyone,</p> <p>12 to your knowledge?</p> <p>13 A No, not to my knowledge.</p> <p>14 Q Did he ever say anything to anyone about hurrying</p> <p>15 or being hurried at all?</p> <p>16 A No.</p> <p>17 Q And even when you talked to him later about the</p> <p>18 incident in the presence of the Captain, did he</p> <p>19 ever talk about being hurried or anything like</p> <p>20 that?</p> <p>21 A No.</p> <p>22 Q During the time that you all were doing what you</p> <p>23 were doing out on the tow, were you always within</p> <p>24 10 or 15 feet of Mr. Ruddell and Dane?</p>	<p style="text-align: right;">Page 20</p> <p>1 A No.</p> <p>2 Q And so all of you all were working without rain</p> <p>3 gear?</p> <p>4 A Right.</p> <p>5 Q Was that customary out on the river in August in</p> <p>6 St. Louis, even if it is raining to be working</p> <p>7 without rain gear?</p> <p>8 A Yeah. It is too hot to wear it.</p> <p>9 Q Because the rain gear, obviously, is an extra set</p> <p>10 of items on your body --</p> <p>11 A Yeah.</p> <p>12 Q -- so it naturally heats you up?</p> <p>13 A Yeah, you just sweat like you are out in the rain.</p> <p>14 Q So that's why most people don't even wear rain</p> <p>15 gear?</p> <p>16 A Yes. Unless it is wintertime.</p> <p>17 Q In any event, it was available if somebody wanted</p> <p>18 to use it?</p> <p>19 A Yes.</p> <p>20 Q And because it was available, that doesn't mean</p> <p>21 you necessarily have to use it, it just means it</p> <p>22 is there in case it were to be cold or you were</p> <p>23 north you could use it?</p> <p>24 A Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 A Yes.</p> <p>2 Q You all were all working in close proximity to one</p> <p>3 another?</p> <p>4 A Yes.</p> <p>5 Q Were you all working with people from Lewis and</p> <p>6 Clark as well?</p> <p>7 A Yes.</p> <p>8 Q They were doing tow work out there with you all?</p> <p>9 A Yes.</p> <p>10 Q Were you all working, doing the same jobs,</p> <p>11 basically?</p> <p>12 A Yes.</p> <p>13 Q So they were assisting in making the barges up to</p> <p>14 the Lewis and Clark fleet?</p> <p>15 A Yes.</p> <p>16 Q They were working in the same exact conditions you</p> <p>17 all were?</p> <p>18 A Yes.</p> <p>19 Q Were they wearing rain gear?</p> <p>20 A No.</p> <p>21 Q Was there rain gear available for everybody if you</p> <p>22 all wanted to use it?</p> <p>23 A Yes.</p> <p>24 Q Did Mr. Ruddell ask for any?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Did anybody from Lewis and Clark, the fleet</p> <p>2 company there, did they ever indicate that there</p> <p>3 were any adverse weather conditions that would</p> <p>4 cause anybody any concern?</p> <p>5 A No.</p> <p>6 MR. RAYMOND MASSEY: That's all I</p> <p>7 have.</p> <p>8 RE-EXAMINATION</p> <p>9 BY MR. O'BRYAN:</p> <p>10 Q Can you put 724 in front of the witness, please.</p> <p>11 A I got it.</p> <p>12 Q Okay. So you were interviewed by this Pat Kouns</p> <p>13 guy from the office --</p> <p>14 A Right.</p> <p>15 Q -- correct?</p> <p>16 A (Moved head up and down).</p> <p>17 Q And at that time you described the condition as</p> <p>18 very heavy rain at the time of the alleged</p> <p>19 incident, isn't that correct?</p> <p>20 A Right.</p> <p>21 MR. O'BRYAN: Okay. I have no</p> <p>22 further questions.</p> <p>23 MR. RAYMOND MASSEY: I have no</p> <p>24 further questions, either. We'll read the</p>

<p style="text-align: right;">Page 22</p> <p>1 deposition. We'll do the same thing. How</p> <p>2 many -- which exhibits now did we look at?</p> <p>3 We looked at page 716, which was a calendar.</p> <p>4 We looked at 724 and 08.</p> <p>5 MR. O'BRYAN: Yeah.</p> <p>6 MR. RAYMOND MASSEY: And also 723,</p> <p>7 I think.</p> <p>8 MR. O'BRYAN: Well, if you are</p> <p>9 going to put seven -- yeah. Okay. All</p> <p>10 right.</p> <p>11 THE WITNESS: Those two and this</p> <p>12 one are the only ones I looked at.</p> <p>13 MR. RAYMOND MASSEY: Actually, he</p> <p>14 only looked at several. But I'll put the</p> <p>15 other one in if you want me to. I don't</p> <p>16 think you asked him about 23, maybe you did.</p> <p>17 I don't know, 723.</p> <p>18 MR. O'BRYAN: No, I don't think I</p> <p>19 did.</p> <p>20 MR. RAYMOND MASSEY: Okay. I won't</p> <p>21 put that one in, then, if you didn't talk</p> <p>22 about it. It will just confuse things.</p> <p>23 Here are the ones I will put in:</p> <p>24 724, that's that thing that you just</p>	<p style="text-align: right;">Page 24</p> <p>1 don't have anything. We're done.</p> <p>2 (Deposition concluded at 1:03 p.m.)</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 23</p> <p>1 mentioned at the end; 08, which is the</p> <p>2 witness report thing; and then 713, which is</p> <p>3 a calendar.</p> <p>4 MR. O'BRYAN: All right.</p> <p>5 MR. RAYMOND MASSEY: And those will</p> <p>6 all be Exhibit 3 and they will just be a</p> <p>7 composite exhibit.</p> <p>8 MR. O'BRYAN: Yes.</p> <p>9 MR. RAYMOND MASSEY: I'm sorry.</p> <p>10 What did I say? I misspoke. It is not 713.</p> <p>11 It is 716. That's the calendar. So those</p> <p>12 will all be part of composite Exhibit 3.</p> <p>13 MR. O'BRYAN: Oh. Let me ask him</p> <p>14 one more question.</p> <p>15 MR. RAYMOND MASSEY: All right.</p> <p>16 I'm letting you off the hook here. Go ahead.</p> <p>17 FURTHER EXAMINATION</p> <p>18 BY MR. O'BRYAN:</p> <p>19 Q It is your understanding that the loading facility</p> <p>20 was shutdown during this period of time?</p> <p>21 A No. I didn't know that.</p> <p>22 MR. O'BRYAN: I have no further</p> <p>23 questions.</p> <p>24 MR. RAYMOND MASSEY: That's all. I</p>	<p style="text-align: right;">Page 25</p> <p style="text-align: center;">REPORTER'S CERTIFICATE</p> <p>1 STATE OF KENTUCKY )</p> <p>2 COUNTY OF FAYETTE )</p> <p>3</p> <p>4</p> <p>5 I, LISA M. SCHWARZE, FCRR, RPR, and Notary</p> <p>6 Public in and for the Commonwealth of Kentucky at</p> <p>7 Large, do hereby certify that the facts as stated by</p> <p>8 me in the caption hereto are true; that the foregoing</p> <p>9 answers in response to the questions as indicated</p> <p>10 were made before me by the witness hereinbefore</p> <p>11 named, after said witness had first been duly placed</p> <p>12 under oath, and were thereafter reduced to</p> <p>13 computer-aided transcription by me and under my</p> <p>14 supervision; and that the same is a true and accurate</p> <p>15 transcript of the proceedings to the best of my</p> <p>16 ability.</p> <p>17</p> <p>18 I further certify that I am not employed by,</p> <p>19 related to, nor of counsel for any of the parties</p> <p>20 herein, nor otherwise interested in the outcome of</p> <p>21 this action.</p> <p>22</p> <p>23 IN WITNESS WHEREOF, I have affixed my</p> <p>24 signature and seal this 26th day of July, 2016.</p> <p style="text-align: center;">           LISA M. SCHWARZE, FCRR, RPR          Notary Public, State-at-Large          Notary ID 489705       </p> <p>My Commission Expires: June 13, 2017</p>

<p style="text-align: right;">Page 26</p> <p>1 ERRATA SHEET</p> <p>2 I, ANTHONY "BLAKE" GINN, hereby certify that I</p> <p>3 have read the foregoing transcript, and that the</p> <p>4 same is a true and accurate transcription of my</p> <p>5 testimony, except as noted below:</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 10%;">PAGE</th><th style="width: 20%;">LINE NO.</th><th style="width: 30%;">CHANGE</th><th style="width: 40%;">REASON FOR CHANGE</th></tr></thead><tbody><tr><td>6</td><td></td><td></td><td></td></tr><tr><td>7</td><td></td><td></td><td></td></tr><tr><td>8</td><td></td><td></td><td></td></tr><tr><td>9</td><td></td><td></td><td></td></tr><tr><td>10</td><td></td><td></td><td></td></tr><tr><td>11</td><td></td><td></td><td></td></tr><tr><td>12</td><td></td><td></td><td></td></tr><tr><td>13</td><td></td><td></td><td></td></tr><tr><td>14</td><td></td><td></td><td></td></tr><tr><td>15</td><td></td><td></td><td></td></tr><tr><td>16</td><td></td><td></td><td></td></tr><tr><td>17</td><td></td><td></td><td></td></tr><tr><td>18</td><td></td><td></td><td></td></tr><tr><td>19</td><td></td><td></td><td></td></tr><tr><td>20</td><td></td><td></td><td></td></tr><tr><td>21</td><td></td><td></td><td></td></tr><tr><td>22</td><td></td><td></td><td></td></tr><tr><td>23</td><td></td><td></td><td></td></tr><tr><td>24</td><td></td><td></td><td></td></tr></tbody></table> <p>STATE OF _____ )</p> <p>COUNTY OF _____ )</p> <p>Subscribed and sworn to me on this ____ day of</p> <p>_____, 2015.</p> <p>Notary Public</p> <p>My Commission Expires:</p>	PAGE	LINE NO.	CHANGE	REASON FOR CHANGE	6				7				8				9				10				11				12				13				14				15				16				17				18				19				20				21				22				23				24				
PAGE	LINE NO.	CHANGE	REASON FOR CHANGE																																																																														
6																																																																																	
7																																																																																	
8																																																																																	
9																																																																																	
10																																																																																	
11																																																																																	
12																																																																																	
13																																																																																	
14																																																																																	
15																																																																																	
16																																																																																	
17																																																																																	
18																																																																																	
19																																																																																	
20																																																																																	
21																																																																																	
22																																																																																	
23																																																																																	
24																																																																																	



<hr/> <b>Exhibits</b> <hr/> <b>EX 0003 A.</b> <b>Ginn 071316</b> 4:12 23:6,12 <hr/> <b>0</b> <hr/> <b>08</b> 22:4 23:1 <hr/> <b>1</b> <hr/> <b>10</b> 18:24 <b>15</b> 18:24 <b>1:03 p.m</b> 24:2 <hr/> <b>2</b> <hr/> <b>2014</b> 5:13 8:7 <b>23</b> 22:16 <b>27th</b> 9:15,16 <b>28th</b> 10:1,7 <hr/> <b>3</b> <hr/> <b>3</b> 23:6,12 <b>300</b> 6:14 7:4 <hr/> <b>7</b> <hr/> <b>713</b> 23:2,10 <b>716</b> 9:7 22:3 23:11 <b>723</b> 22:6,17 <b>724</b> 6:17,18,21 21:10 22:4,24 <b>7th</b> 9:4 <hr/> <b>A</b> <hr/> <b>acci</b> 10:3	<b>accident</b> 10:9 <b>adverse</b> 18:6 21:3 <b>affect</b> 13:11 <b>ahead</b> 23:16 <b>alleged</b> 21:18 <b>Anthony</b> 5:1,7 <b>anytime</b> 13:21 14:18 17:5,23 <b>approximately</b> 16:4 <b>area</b> 16:18 <b>assist</b> 17:8 <b>assisting</b> 19:13 <b>August</b> 5:10,13 8:7 9:4,11,14 20:5 <b>aware</b> 16:20 <hr/> <b>B</b> <hr/> <b>back</b> 6:1,5,7 7:23 8:7 9:19 10:5 13:8 17:17 <b>bad</b> 7:13 <b>bags</b> 8:10 <b>barge</b> 7:5 15:19 16:1,7,14,16 <b>barges</b> 16:10,11, 21 19:13 <b>basically</b> 19:11 <b>Bates</b> 6:20 <b>beginning</b> 7:11 <b>bend</b> 6:1,5 10:12 12:22,24 13:3,6 <b>bending</b> 12:19 <b>Bengay</b> 10:2 <b>bent</b> 12:17,19 <b>bit</b> 15:22 <b>Blake</b> 5:1,7	<b>boat</b> 8:10 11:7 <b>body</b> 20:10 <b>brake</b> 15:13,14 <hr/> <b>C</b> <hr/> <b>calendar</b> 10:20 22:3 23:3,11 <b>call</b> 11:4 <b>called</b> 16:18 <b>Captain</b> 7:12,18 8:3 14:15 17:20,21 18:18 <b>carried</b> 17:11 <b>carry</b> 8:9 <b>carrying</b> 17:8 <b>case</b> 20:22 <b>changed</b> 15:7 <b>Clark</b> 12:7 15:18, 23 19:6,14 21:1 <b>close</b> 19:2 <b>cold</b> 20:22 <b>communicated</b> 14:14 18:11 <b>communicatio</b> <b>n</b> 14:2 <b>company</b> 10:22 21:2 <b>company's</b> 12:24 <b>complain</b> 14:18 17:24 <b>complaints</b> 18:1 <b>composite</b> 23:7, 12 <b>concern</b> 21:4 <b>concluded</b> 24:2 <b>condition</b> 18:2 21:17	<b>conditions</b> 6:10 13:10 18:6 19:16 21:3 <b>configuration</b> 16:21 <b>confuse</b> 22:22 <b>connection</b> 10:19 <b>correct</b> 9:20 21:15,19 <b>couple</b> 10:18 <b>coupling</b> 9:20 16:9,18,23 <b>crew</b> 11:9,15 <b>customary</b> 20:5 <b>cut</b> 9:12 <hr/> <b>D</b> <hr/> <b>Dane</b> 6:9 8:12 16:4 17:20,21 18:24 <b>day</b> 5:20 8:10 9:3 10:1,6 13:9,20 15:2, 4 <b>days</b> 8:24 15:4 <b>deck</b> 7:23 11:10 <b>deckhand</b> 5:8, 11,14 11:4 <b>Dennis</b> 9:13 <b>deposition</b> 22:1 24:2 <b>devices</b> 14:2 <b>discomfort</b> 8:7 <b>discretion</b> 11:13 <b>document</b> 6:24 10:4 <b>documents</b> 5:15 <b>dog</b> 6:6 15:13,21 <b>duly</b> 5:2	<hr/> <b>E</b> <hr/> <b>Eastern</b> 13:18 <b>employee</b> 5:21 <b>end</b> 9:2,3 12:2,3, 12,13 23:1 <b>estimate</b> 11:20, 23 <b>event</b> 20:17 <b>exact</b> 19:16 <b>EXAMINATION</b> 5:4 10:16 23:17 <b>examined</b> 5:3 <b>exhibit</b> 23:6,7,12 <b>exhibits</b> 22:2 <b>extra</b> 20:9 <b>eye</b> 15:8 <hr/> <b>F</b> <hr/> <b>facility</b> 23:19 <b>fed</b> 14:6 <b>feet</b> 6:14 7:4,10 16:6 18:24 <b>fill</b> 9:1 <b>filled</b> 10:9 <b>fitting</b> 16:3 <b>fleet</b> 6:9 8:20 12:7 19:14 21:1 <b>fleeting</b> 7:22 <b>flipped</b> 15:13 <b>foundation</b> 17:1 <b>front</b> 9:7,9 21:10 <b>full-time</b> 11:6 <b>function</b> 12:4,6
--	--	---	--	---

<hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p><b>gear</b> 19:19,21 20:3,7,9,15</p> <p><b>Ginn</b> 5:1,7 6:20 10:18</p> <p><b>give</b> 11:20</p> <p><b>good</b> 11:23</p> <p><b>grab</b> 12:20</p> <p><b>gusts</b> 10:11</p> <p><b>guy</b> 21:13</p> <p><b>guys</b> 7:13</p> <hr/> <p style="text-align: center;"><b>H</b></p> <hr/> <p><b>handed</b> 12:15 14:22 15:8 16:3</p> <p><b>handing</b> 6:8,20</p> <p><b>handle</b> 12:14,16</p> <p><b>handling</b> 17:14, 15</p> <p><b>Hang</b> 6:19</p> <p><b>hat</b> 11:4</p> <p><b>head</b> 14:13 16:2, 13 21:16</p> <p><b>hear</b> 7:20 18:1</p> <p><b>heard</b> 7:18 11:17, 19</p> <p><b>heats</b> 20:12</p> <p><b>heavy</b> 6:12,16 7:2,3,6 8:16 11:18, 24 12:12 21:18</p> <p><b>helped</b> 8:9,12 17:12</p> <p><b>HES</b> 6:15</p> <p><b>hook</b> 23:16</p> <p><b>hot</b> 20:8</p> <p><b>hour</b> 11:21,22</p> <p><b>house</b> 7:12</p>	<p><b>hundred</b> 7:10 16:6</p> <p><b>hurried</b> 13:21,23, 24 18:15,19</p> <p><b>hurry</b> 7:13,17,19</p> <p><b>hurrying</b> 13:20 18:14</p> <p><b>hurt</b> 9:19 10:6 13:8 17:6,15</p> <hr/> <p style="text-align: center;"><b>I</b></p> <hr/> <p><b>Ill</b> 5:14</p> <p><b>immediately</b> 11:13</p> <p><b>inch</b> 11:22</p> <p><b>incident</b> 5:19 10:3 11:3 17:19 18:18 21:19</p> <p><b>injury</b> 17:17</p> <p><b>inside</b> 11:13</p> <p><b>interview</b> 5:18</p> <p><b>interviewed</b> 21:12</p> <p><b>involving</b> 5:17</p> <p><b>items</b> 20:10</p> <hr/> <p style="text-align: center;"><b>J</b></p> <hr/> <p><b>jacket</b> 14:8</p> <p><b>job</b> 13:11,22</p> <p><b>jobs</b> 19:10</p> <p><b>judge</b> 13:13</p> <hr/> <p style="text-align: center;"><b>K</b></p> <hr/> <p><b>kind</b> 8:23 12:9,12</p> <p><b>knees</b> 12:19,22 13:4,5,6</p> <p><b>knew</b> 8:1</p>	<p><b>knowledge</b> 18:12,13</p> <p><b>Kouns</b> 21:12</p> <hr/> <p style="text-align: center;"><b>L</b></p> <hr/> <p><b>laid</b> 15:15</p> <p><b>learn</b> 9:22</p> <p><b>length</b> 7:5 16:7</p> <p><b>letting</b> 23:16</p> <p><b>Lewis</b> 12:7 15:18, 22 19:5,14 21:1</p> <p><b>life</b> 14:8</p> <p><b>lifting</b> 12:23</p> <p><b>light</b> 13:15</p> <p><b>lightening</b> 8:18 11:10,12 18:4</p> <p><b>limited</b> 7:9</p> <p><b>loading</b> 23:19</p> <p><b>locker</b> 7:23</p> <p><b>log</b> 8:22 9:5</p> <p><b>long</b> 12:6</p> <p><b>looked</b> 6:7 9:5 22:3,4,12,14</p> <p><b>loosened</b> 15:9, 21</p> <p><b>Louis</b> 20:6</p> <p><b>luggage</b> 17:8,14</p> <hr/> <p style="text-align: center;"><b>M</b></p> <hr/> <p><b>made</b> 15:22</p> <p><b>make</b> 6:6</p> <p><b>making</b> 15:18 19:13</p> <p><b>Marathon</b> 5:8,21 7:19 13:23</p> <p><b>MASSEY</b> 6:19 9:8,12 10:17 17:2,4 21:6,23 22:6,13,20 23:5,9,15,24</p>	<p><b>mate</b> 12:15 14:22 15:9</p> <p><b>means</b> 8:18 20:21</p> <p><b>members</b> 11:15</p> <p><b>mentioned</b> 8:6 10:20 23:1</p> <p><b>met</b> 7:11</p> <p><b>microphone</b> 14:6</p> <p><b>midway</b> 12:9</p> <p><b>minute</b> 6:20</p> <p><b>minutes</b> 12:8</p> <p><b>misspoke</b> 23:10</p> <p><b>moderate</b> 6:13 7:3 11:17,18</p> <p><b>morning</b> 9:24</p> <p><b>move</b> 17:17</p> <p><b>moved</b> 14:13 16:2 21:16</p> <hr/> <p style="text-align: center;"><b>N</b></p> <hr/> <p><b>naturally</b> 20:12</p> <p><b>necessarily</b> 20:21</p> <p><b>north</b> 20:23</p> <p><b>notes</b> 8:23</p> <p><b>number</b> 6:17,21, 22</p> <hr/> <p style="text-align: center;"><b>O</b></p> <hr/> <p><b>O'bryan</b> 5:5 10:14 16:24 21:9,21 22:5,8,18 23:4,8,13, 18,22</p> <p><b>oath</b> 5:3</p> <p><b>object</b> 16:24</p> <p><b>observe</b> 13:10</p> <p><b>odd</b> 12:21</p>	<p><b>office</b> 21:13</p> <p><b>operation</b> 12:10</p> <p><b>option</b> 11:15</p> <p><b>order</b> 15:17</p> <hr/> <p style="text-align: center;"><b>P</b></p> <hr/> <p><b>pain</b> 8:7</p> <p><b>paragraph</b> 6:22</p> <p><b>part</b> 17:8 23:12</p> <p><b>participate</b> 17:19</p> <p><b>Pat</b> 21:12</p> <p><b>people</b> 16:23 19:5 20:14</p> <p><b>performance</b> 13:11</p> <p><b>period</b> 23:20</p> <p><b>personal</b> 8:22</p> <p><b>pick</b> 6:5</p> <p><b>pilot</b> 7:12</p> <p><b>point</b> 17:11</p> <p><b>policy</b> 12:24</p> <p><b>presence</b> 17:24 18:18</p> <p><b>pretty</b> 6:13 7:3 11:24</p> <p><b>previously</b> 15:15</p> <p><b>prior</b> 8:7</p> <p><b>professional</b> 6:15</p> <p><b>proximity</b> 19:2</p> <p><b>put</b> 9:7 15:13 21:10 22:9,14,21,23</p> <hr/> <p style="text-align: center;"><b>Q</b></p> <hr/> <p><b>question</b> 17:3 23:14</p>
---	--	--	---	--

<b>questions</b> 10:18 21:22,24 23:23  <hr/> <b>R</b> <hr/> <b>radio</b> 14:4,5,14 18:9 <b>rain</b> 6:12,16 7:2,4, 7 8:2,16 11:17,24 12:9,12 13:15 19:19,21 20:2,7,9, 13,14 21:18 <b>raining</b> 6:11 20:6 <b>ramp</b> 17:9 <b>RAYMOND</b> 6:19 9:8,12 10:17 17:2,4 21:6,23 22:6,13,20 23:5,9,15,24 <b>RE- EXAMINATION</b> 21:8 <b>re-lay</b> 15:18 <b>read</b> 7:1 21:24 <b>recall</b> 6:1 <b>recollection</b> 5:16 <b>red</b> 11:4 <b>referencing</b> 6:17 <b>referred</b> 13:17,18 <b>refresh</b> 5:16 <b>released</b> 15:13 <b>remember</b> 7:17 8:5 10:6 17:13 <b>report</b> 10:10 23:2 <b>reporting</b> 17:19 <b>reports</b> 10:3 <b>required</b> 10:22 <b>reviewed</b> 5:15 <b>reviews</b> 6:24 <b>river</b> 20:5	<b>Ruddell</b> 5:17 8:6 12:14 13:1,24 14:10,18,22 15:8 16:3 17:6,11,14,23 18:1,24 19:24 <b>Ryan</b> 5:17,24 8:9 9:19 <hr/> <b>S</b> <hr/> <b>set</b> 16:10 20:9 <b>severe</b> 11:18 <b>shift</b> 7:11,21 <b>shutdown</b> 23:20 <b>situation</b> 5:16 <b>smelled</b> 10:1 <b>St</b> 20:6 <b>starter</b> 7:21 <b>state</b> 5:6 <b>statement</b> 5:22 <b>steering</b> 9:19 <b>stern</b> 16:16 <b>stop</b> 11:13 12:9 <b>straight</b> 12:19 13:16 <b>stretched</b> 7:22 <b>striker</b> 5:11 <b>stuff</b> 5:19 10:7 <b>supposed</b> 13:3 <b>sweat</b> 20:13 <hr/> <b>T</b> <hr/> <b>taking</b> 15:21 <b>talk</b> 17:24 18:19 22:21 <b>talked</b> 10:4 17:21 18:17 <b>term</b> 11:19	<b>testified</b> 5:3 <b>thing</b> 10:19 22:1, 24 23:2 <b>things</b> 18:9 22:22 <b>Thirty</b> 12:8 <b>thunder</b> 8:18 <b>thunderstorm</b> 8:17,18 <b>thunderstormi ng</b> 8:15 <b>tier</b> 16:10,11 <b>time</b> 6:10 8:19 9:3 10:12 11:3,9 13:18 16:12 18:22 21:17, 18 23:20 <b>times</b> 13:17,18 <b>tow</b> 18:23 19:8 <b>track</b> 8:24 <b>trainee</b> 5:14 <b>trip</b> 11:6 <b>true</b> 11:4 16:11 <b>turned</b> 6:6 <b>twenty</b> 9:11 <b>tying</b> 12:7 <hr/> <b>U</b> <hr/> <b>understand</b> 8:9 <b>understanding</b> 23:19 <b>unusual</b> 12:21 <hr/> <b>V</b> <hr/> <b>violation</b> 12:24 <b>visibility</b> 7:9,10 <hr/> <b>W</b> <hr/> <b>waist</b> 12:18 13:7	<b>wanted</b> 19:22 20:17 <b>watch</b> 10:1 13:21 <b>wear</b> 20:8,14 <b>wearing</b> 19:19 <b>weather</b> 6:10 7:14,24 18:6 21:3 <b>wheelhouse</b> 16:5,20,22 <b>winch</b> 6:6 15:10 <b>wind</b> 10:11 13:9, 10,13,14 <b>winds</b> 13:13 <b>wintertime</b> 20:16 <b>wire</b> 6:5,8 12:15 14:19,21,24 15:6,8, 15,17,21 16:4 18:2 <b>wires</b> 12:14 <b>withdraw</b> 17:3 <b>work</b> 19:8 <b>worked</b> 14:24 <b>working</b> 16:13, 23 18:6 19:2,5,10, 16 20:2,6 <b>wrong</b> 14:19,21 15:6 <b>wrote</b> 5:19 9:19 10:5,7	
--	--	--	--	--